

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ATL 2

08 JAN -2 AM 09: MJ 0006

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

SOUTHERN DISTRICT OF CALIFORNIA

v.

Title 8, U.S.C., Section 1326

Ramon GUTIERREZ-Perez,

Deported Alien Found in the

United States

Defendant

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The undersigned complainant, being duly sworn, states:

On or about December 30, 2007 within the Southern District of California, defendant, **Ramon GUTIERREZ-Perez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF January 2008.


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ramon GUTIERREZ-Perez

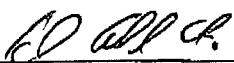
PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On December 30, 2007, Border Patrol Agent J. Echeverry was performing linewatch duties in the Chula Vista area of responsibility. At approximately 8:30 p.m., he responded to a seismic intrusion device in an area known as Otay Mountain. This area is located approximately two miles east of the Otay Mesa, California Port of Entry and approximately one half mile north of the United States/Mexico International Boundary. After a brief search, Agent Echeverry observed eight individuals walking north on a trail. As Agent Echeverry approached the individuals they attempted to run south. Agent Echeverry quickly located three of the individuals attempting to conceal themselves in a bush. Agent Echeverry approached the individuals and identified himself as a United States Border Patrol Agent. He then conducted an immigration inspection. All three including one later identified as the defendant **Ramon GUTIERREZ-Perez**, admitted to being citizens and nationals of Mexico without any immigration documents to enter or remain in the United States legally. At approximately 8:50 p.m., Agent Echeverry placed all three individuals under arrest, and had them transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on July 27, 2002 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on January 1st, 2008 at 9:30 AM.


Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on December 30, 2007 in violation of Title 8, United States Code, Section 1326.


Cathy A. Bencivengo
United States Magistrate Judge


Date/Time